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September 28, 2023

By ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED

A handwritten signature in black ink that reads "Katharine H. Parker".

Hon. Katharine H. Parker, U.S.M.J. 10/2/2023

Re: *J.L., et al. v. NYC Dep't of Education, et ano.*,
No. 17-CV-7150 (PAC) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendants the New York City Department of Education ("DOE") and DOE Chancellor David C. Banks in the above-referenced matter, in which Plaintiffs, parents on behalf of three students, allege that their rights were violated due to alleged systemic delays in providing coordinated nursing, transportation, and porter services.

I write to respectfully request a brief, one-week extension of time, from October 6, 2023 until October 13, 2023, for Defendants to serve and file their cross-motion for summary judgment and opposition to Plaintiffs' motion. This is Defendants' third request for an extension, and the Court granted Defendants' previous two requests.

The good cause for the requested extension is that I have been out sick and unable to work during multiple days this past week as the result of having COVID-19 symptoms, as well as caretaking for my two young children, both of whom are sick and quarantining, as one of them recently tested positive for COVID. Being out sick has prevented me from completing the work on the motion papers that I had anticipated accomplishing this week. The brief one-week extension of time, therefore, will enable me to finalize the drafting of the motion papers.

Plaintiffs' counsel object to the instant request "given the multiple prior requests for, and grants of, extensions." Plaintiffs, however, will not be prejudiced by the brief, one-week extension, and Plaintiffs' own delays belie any claim of prejudice. Indeed, Plaintiffs effectively received a six-and-a-half-month extension to serve and file their motion papers, when Plaintiffs failed to meet their first deadline to file their motion papers and failed to seek an extension from the Court. (*See* Court Order dated March 21, 2023 (ECF No. 235), noting that Plaintiffs had not filed their motion by the past-due deadline.) The requested extension also will not affect the oral argument scheduled for December 7, 2023, at 10:00 a.m.

Accordingly, Defendants respectfully request that the Court grant a brief, one-week extension of time, until October 13, 2023, for Defendants to serve and file their cross-motion for summary judgment and opposition to Plaintiffs' motion. Defendants also respectfully request a corresponding extension of the briefing schedule as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgement: October 13, 2023;
- Plaintiffs' reply and opposition to Defendants' cross-motion: November 10, 2023; and
- Defendants' reply: December 1, 2023

I thank the Court for its consideration of the within.

Respectfully submitted,

/s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)